

UNITED STATES DISTRICT COURT

for the

Western District of Missouri

United States of America

v.

Brian K Rucker

Case No: 09-00290-01-CR-W-DGK

USM No: 17641-026

Date of Original Judgment: 12/12/2012

Date of Previous Amended Judgment: Stephen C. Moss

(Use Date of Last Amended Judgment if Any) Defendant's Attorney

AMENDED

ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 107 months is reduced to 107 months.

(Complete Parts I and II of Page 2 when motion is granted)

The Court finds the defendant is eligible for his guideline range to be reduced under the amended guideline range. However, the Court initially imposed an upward variance, pursuant to 18 U.S.C. 3553(a)(1)-(2). The sentence initially imposed was above the original guideline range. The sentence imposed was not based on any specific guideline range, but a specific sentence imposed by the Court based upon the defendant's criminal history and the facts of the instant offense. Therefore, no reduction in the current sentence is given.

Except as otherwise provided, all provisions of the judgment dated 12/12/2012 shall remain in effect.

IT IS SO ORDERED.

Order Date: 04/30/2018

/s/ Brian C. Wimes

Judge's signature

Effective Date: 11/01/2015

BRIAN C. WIMES, United States District Judge

(if different from order date)

Printed name and title